

Remarks

Claims 26 – 38 and 41 - 52 are pending in this application. By this amendment Claims 26 – 31, 38, and 41 – 45 have been amended Claims 39 and 40 have been canceled and new Claims 46 – 52 have been added. An information disclosure statement is enclosed herewith.

Applicant would like to thank the Examiners for the courtesy of conducting an interview with one of the co-inventors and their undersigned attorney. Applicant agrees with the Examiners interview summary except in two regards. The co-inventor present was Eden Shochat and not Amnon Yacoby. Also, the interview was in December, 2009 and not January.

Applicant would also like to thank the Examiner for the detail in which he set forth the issues he saw, in his Office Action, and provided guidance as to what he was looking for. This helped in focusing the amendments and preparing this entire response.

Reconsideration of the rejections and informal objections of the Examiner in his Office Action is respectfully requested. It is believed that the application as amended overcomes both the rejections set forth and has resolved the issues set forth in the Examiner's comments in Response to Arguments. Allowance of this application as amended is respectfully requested.

Examiner's comments in Response to Arguments

With regard to the Examiner's comment in paragraph 3 of his Office Action, Applicant has now made it clear in each claim that the selection of policy is done "without human intervention" and that the selection policy is based on "attribute values" at two or more agents from said first set of two or more network elements which host agents.

With regard to the Examiner's comment in paragraph 4 of his Office Action, Applicant has changed the word "operation" to "operational", in each claims that it appears, to clearly distinguish the claimed subject matter from the "security problem" of Mattila.

With regard to the Examiner's comment in paragraph 5 of his Office Action, Applicant respectfully disagrees with assertion that an operating system is an application. Each of these terms have a clear meaning in the art and to interpret claims so that "application" can mean "operating system" is not a reasonable interpretation as would be understood by one of ordinary skill in this art.

With regard to the Examiner's comment in paragraph 6 of his Office Action, Applicant respectfully disagrees with assertion that the term "system crash" needs further definition. Not only is this term known in the art but today is even included in dictionaries without further explanation¹.

The rejections under 35 U.S.C. 103

Amended Claim 26 (method) and new Claim 49 (system) each define a method or system that collects real-time operational information relating to attribute values at two or more agents. The agents in the cited e-Security system do not collect operational information relating to attribute values. All the e-Security system's agents collect is information relating to the occurrence of an "event" without a value. The collection of operational information relating to attribute values enables the method and system of this invention to distinguish between major and minor deviations from the norm and to be able to segregate similar end points whose attribute values are clustered so as to be able to group end points of the same type in different categories. E-Security's system just gives a signal indicating that an "event" occurred. Thus, e-Security's system cannot distinguish end points base on the "value" of the event.

¹ From:

Merriam-Webster Online Dictionary, 2010.

<<http://www.merriam-webster.com/dictionary/crash>>

Main Entry: **crash**

Pronunciation: \ˈkrʌʃ\

Function: *verb*

Etymology: Middle English *crasschen*

Date: 15th century

transitive verb **1 a** : to break violently and noisily : **SMASH** **b** : to damage (an airplane) in landing

2 a : to cause to make a loud noise <crash the cymbals together> **b** : to force (as one's way) through with loud crashing noises

3 : to enter or attend without invitation or without paying <crash the party>

4 : to move toward aggressively (as in fighting for a rebound) <**basketball players** crashing the boards>

5 : to cause (a **computer** system, component, or program) to crash

On page 15 of his Office Action the Examiner asserts that e-Security groups network elements based on attribute values and cites to page 10 of the document. That reference says no such thing. The reference relates again to only the occurrence of an event and not the value. The importance of an event is judged by how many network elements respond to the same event.

Amended Claim 26 (method) and new Claim 49 (system) also require that the selection of a policy be done without human intervention. Both e-Security (see page 7) and Mattila (see paragraph 0005) are systems where the policy is selected by a human operator.

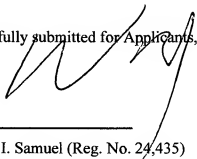
Amended Claim 26 (method) and new Claim 49 (system) also require the policy selected based on attribute values of agents from the first set be implemented by at least one of the second network elements hosting an agent. This feature is not disclosed or suggested by either e-Security or Mattila alone or in combination.

It is submitted that the subject matter of Claims 26 and 49 are not rendered obvious by the above references and there allowance is respectfully requested.

New dependant Claims 46 and 50 add the limitation that there is also an aggregator which is connected to the policy controller and that the aggregator receives the real-time operational information instead of or in addition to the policy controller. This clearly is not shown or suggested by the references.

It is submitted that the application as amended is in condition for allowance and such allowance is respectfully requested. If the examiner believes it would be helpful he can call the undersigned at 908 337 7662.

Respectfully submitted for Applicants,

A handwritten signature in black ink, appearing to be 'R. Samuel', written over a horizontal line.

Richard I. Samuel (Reg. No. 24,435)